

**Statement by Attorney General Lynn Fitch on
Medication Abortion Litigation**
***We are pleased to have again successfully defended
Mississippi's abortion laws.***

Today, GenBioPro (GBP), a generic medication abortion manufacturer, filed to dismiss its case in the United States District Court for the Southern District of Mississippi. Attorney General Lynn Fitch, who defended the State's abortion laws in this case, issued the following statement:

"We are pleased to have again successfully defended Mississippi's abortion laws. These laws represent the will of the people and the intent of the Legislature to promote life, protect the health and safety of women, and preserve the integrity of the medical profession. Our victory in *Dobbs* affirmed the right of the people to pass laws that defend these legitimate public interests."

Leaning into recent statements by the Biden Administration following the *Dobbs* decision, GenBioPro had argued that the federal Food and Drug Administration (FDA) had established a federal policy for access to medication abortion that preempted Mississippi law, including the State's trigger law, which was also recently vindicated in a case litigated by Attorney General Fitch.

In her filing earlier this month opposing GenBioPro's Motion for Leave to File Amended Complaint, the Attorney General noted that two federal laws prohibit distribution of abortion drugs through the mail. (18 U.S.C. §§ 1461, 1462) **As stated in that brief:**

"GBP's preemption claim relies on the proposition that the FDA's 'statutorily-authorized [Risk Evaluation and Mitigation Strategy (REMS)] for mifepristone' creates a uniform national policy that preempts state laws banning medication abortion. But there is no such federal policy. If anything, federal law adopts the opposite policy from what GBP claims. Federal law criminalizes the use of the mails to do what GBP demands this Court allow it to do: distribute abortion-inducing drugs."

Attorney General Fitch continued, "With *Roe v Wade* behind us, it is time for all parties to come together to enact the laws that will empower women and promote life, such as more affordable and accessible childcare, stronger and more equitable child support enforcement, and improved adoption and foster care systems. The

Dobbs decision embodied our belief in the dignity of women, of children, and of human life itself, and we will pursue the agenda that transforms that belief into action."

###

Media Contact

Michelle Williams

Michelle.Williams@ago.ms.gov